

Defendant.

## ORDER

**ORDERED** that Defendant's motion for correction of the record pursuant to Rule 36 of the Federal Rules of Criminal Procedure is granted to the extent that the statement in

the May 12, 2008 Opinion & Order of this Court that “the sentencing judge acknowledged that application of the amended guidelines would violate the *ex post facto* clause of the United States Constitution,” is hereby stricken [docket item 23]; and it is further

**ORDERED** that Defendant’s motion for correction of the record pursuant to Rule 36 of the Federal Rules of Criminal Procedure is in all other respects denied [docket item 23].

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge